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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

WENDY JOHANNSON,

No. C 11-02822 WHA

Plaintiff,

v.

**ORDER TO SHOW CAUSE**

WACHOVIA MORTGAGE, FSB,  
formerly known as World Savings Bank  
FSB, DEREK WAYNE PHILIPS, doing  
business as DKP MORTGAGE, and  
JOSEPH STEVEN CANTER,

Defendants.

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By separate order filed concurrently herewith, summary judgment was granted in favor of defendant Wachovia Mortgage, FSB, leaving the question whether this case will still proceed against any other defendants. With respect to defendant Joseph Steven Canter, it appears this defendant was never served. Plaintiff is **ORDERED TO SHOW CAUSE** why the case should not be dismissed as to him for failure to timely serve. *See* F.R.C.P. 4(m). With respect to defendant Derek Wayne Philips it appears he was served (but that is not clear). It does not appear defendant Philips filed an answer to the second amended complaint, the operative complaint. All parties are **ORDERED TO SHOW CAUSE** why default should not be entered against defendant

1 Philips. The parties will be heard on these matter at **2:00 PM ON MAY 14, 2012**, during the final  
2 pretrial conference. Written submission thereon are due **BY NOON ON MAY 11**.

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4 **IT IS SO ORDERED.**

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6 Dated: May 4, 2012.

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*Wm Alsup*

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

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